REMARKS

In response to the Final Office Action dated October 2, 2006, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-9 are pending in the present Application. Claims 5-7 are amended to provide proper dependency based on previously cancelled Claim 3, leaving Claims 1, 2 and 5-9 for consideration upon entry of the present amendments and following remarks.

Support for the claim amendments is found in the specification, the figures, and the claims as originally filed.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. §103

The Examiner has rejected Claims 1, 2 and 5-9 under 35 U.S.C. §103(a) as being unpatentable over Kitagawa et al., U.S. Patent Publication No. 2002/0054262 (hereinafter "Kitagawa"). Applicants respectfully traverse the rejections.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 1 and 9 recites, *inter alia*,

> "the image display part comprising:
> a) a lower polarizing plate for polarizing light,
> b) a liquid crystal display panel for displaying images by using a polarized light emitted from the lower polarizing plate, and
> c) an upper polarizing plate disposed on an upper surface of the liquid crystal display panel for polarizing light emitted from the liquid crystal display panel; and

> a protecting part disposed on an outer surface of the image display part perceived by user's eye for protecting a surface of the image display part from an external shock or foreign matters;
> wherein the upper polarizing plate comprises a glare treatment and the protecting part comprises an anti-glare treatment."

In the description of Background Art in the present application, a display device includes a polarizing plate including a base layer, support layers on the base layer and a protecting layer is disclosed. (Page 2, line 11 to Page 3, line 1.) However, the polarizing plate can be damaged, e.g., external shock or cleansers. (*Id.*)

In a non-limiting embodiment of the present invention, a protecting part is disposed on an outer surface of the image display part/polarizing plate perceived by a user's eye for protecting the surface of the image display part/polarizing plate from an external shock or foreign matters. (Page 3, line 25 to Page 4, line 1.) The protecting part/sheet is added to the image display part, and particularly in addition to a *polarizing plate* to resist (or absorb) the external shock and resist (or make easily removable) the foreign matters. (Page 4, lines 12-18, Page 6, lines 19-22, Page 9, lines 8-11 and Figure 2.) Maintenance, such as cleaning of the display device (e.g., television screen), would damage a polarizing plate. Therefore, the protecting sheet not only resists thermal shock to the display device, but also protects *the polarizing plate.* (Page 9, lines 11-16.) That is, the claimed protecting sheet is provided *in addition to the polarizing plate* to protect the display device/panel *as including the polarizing plate* from external shock and foreign matter, as clearly disclosed in the present invention.

In a non-limiting embodiment, it is further described that the separate and distinct protecting part preventing surface defects due to frequent touches of users and protecting the outer surface of the polarizing plate from external shock or foreign matters includes an *antiglare characteristic.* (Page 4, lines 4-6, Page 6, lines 23-26.) While the anti-glare treatment is carried out on the separate and distinct protecting part, a glare treatment is carried out on the separate and distinct upper polarizing plate 140 disposed on the upper surface of the image display part and under the additional protecting part. (Page 9, lines 20-24 and Claims 1 and 9.)

As the protecting part includes the anti-glare treatment, if the polarizing plate also included an antiglare treatment or no treatment at all, the users view of the display from a surface of the image display part perceived by the user's eye would be hazy. For preventing the haziness, the upper polarizing plate comprises a glare treatment and the protecting part comprises

an anti-glare treatment and the protecting part disposed on an outer surface of the image display part/polarizing plate as claimed.

In the Office action at Pages 2 and 3, transparent layer 12 of Kitagawa is considered as disclosing the "protecting part" of the claimed invention. Paragraphs [0061] and [0062] of Kitagawa are cited as teaching optical layers, such as a diffusing plate or an anti-glare film, that can be *integrated with the polarizing plate*, where forming elements integrally (e.g., polarizing plate and diffusing plate, protecting layer and anti-glare film) is a common goal and would be known in the art. For these reasons, the Examiner concludes that it would have been obvious to one of ordinary skill in the art to employ the upper polarizing plate comprising *glare* treatment and the protecting part comprising *anti-glare* treatment. Applicants respectfully disagree.

Firstly, Kitagawa discloses the flat panel display device comprising a protecting sheet (e.g., 12) adhered/laminated to/on the upper polarizing plate (e.g., 13)." However, referring to paragraphs [0016] and [0021] of Kitagawa, the reference numeral 12 of Kitagawa is not the protecting part in claims 1 and 9 of the present invention, but is an element of a polarizing plate. That is, according to Kitagawa, the polarizing plate includes a protecting layer and a polarizing film. Therefore, Kitagawa does not teach a protecting sheet disposed on an outer surface of the image display part perceived by user's eye for protecting a surface of the image display part from an external shock or foreign matters of at least Claim 1.

Secondly, Applicants find no teaching or suggestion in Kitagawa of anything resembling a "glare treatment" on an element of the polarization plate 1, especially as reasoned in the rejection details discussed above. As cited by the Examiner, Kitagawa discloses the polarizing plate may include an *anti-glare treatment*, but Applicants find no teaching or suggestion of a "glare treatment" in Kitagawa, especially relative to the polarizing plate 1 of Kitagawa. Additionally, the Examiner does not cite where in Kitagawa such a glare treatment is taught or suggested. Therefore, Kitagawa **does not teach or suggest all elements of the invention** and **does not contain any suggestion or incentive that would have motivated the skilled artisan to modify Kitagawa** to include **the upper polarizing plate comprises a glare treatment** and the protecting part comprises an anti-glare treatment and the protecting part disposed on an outer surface of the image display part/polarizing plate of Claims 1 and 9.

Thirdly, Kitagawa discloses that the polarization plate may be formed as a reflecting type such that the incident light from the viewing side (display side) is reflected for display and that a

light source (e.g., a backlight assembly) may be omitted to reduce thickness of the display device. (Paragraph [0027].) Applicants respectfully submit that a "reflecting type" polarizing plate 1 of Kitagawa does not teach the polarizing plate 1 including a "glare treatment" as claimed, especially relative to a separate and distinct layer on an outer surface of the polarizing plate 1 being "antiglare" treated. Therefore, Kitagawa further **does not teach or suggest all elements of the invention** and further **does not contain any suggestion or incentive that would have motivated the skilled artisan to modify Kitagawa** to include the **upper polarizing plate comprises a glare treatment** and the protecting part comprises an anti-glare treatment and the protecting part disposed on an outer surface of the image display part/polarizing plate of Claims 1 and 9.

Fourthly, at Paragraphs [0025] to [0028] of Kitagawa, polarizing plate 1 can be *either* diffusing/preventing glaring or reflective. For purpose of this response, even if the "reflecting type" polarizing plate of Kitagawa is considered as teaching the upper polarizing plate comprises a glare treatment of Claims 1 and 9, Kitagawa does not teach or suggest a separate and distinct protecting part comprises an anti-glare treatment and the protecting part disposed on an outer surface of the image display part/polarizing plate of Claims 1 and 9.

To teach the claimed invention including the upper polarizing plate comprises a glare treatment **and** the protecting part comprises an anti-glare treatment and the protecting part disposed on an outer surface of the image display part/polarizing plate of Claims 1 and 9, two of the polarizing plates 1 disclosed in Paragraphs [0025] to [0028] (e.g., one reflective, one diffusing/preventing glare) would need to be disposed such that the diffusing/preventing glare plate is on an outer surface of the reflective plate (assuming the "reflecting type" polarizing plate of Kitagawa is considered as teaching the upper polarizing plate comprises a glare treatment as offered above).

Applicants find no teaching or suggestion in Kitagawa of multiple polarizing plates on an outer surface of a display part, for example, a separate and distinct member (e.g., a second polarizing plate) being diffusing/preventing glaring **and** a first polarizing plate being reflective, where the second polarizing plate is on an outer surface of the first polarizing plate. To the contrary, Kitagawa only discloses that polarization plate 1 can be fixed to one or **both** sides of a liquid crystal cell. That is, two polarization plates 1 of Kitagawa would be opposing each other

relative to the liquid crystal cell and in no way would teach two separate and distinct elements where one is disposed on an outer surface of the other.

Therefore, even if a "reflecting type" polarizing plate of Kitagawa is considered as teaching "the upper polarizing plate comprises a glare treatment," Kitagawa further **does not teach or suggest all elements of the invention** and further **does not contain any suggestion or incentive that would have motivated the skilled artisan to modify Kitagawa** to include the upper polarizing plate comprises a glare treatment **and the protecting part comprises an anti-glare treatment and the protecting part disposed on an outer surface of the image display part/polarizing plate** of Claims 1 and 9.

Fifthly, as mentioned above, in the Office action at Pages 2 and 3, Paragraphs [0061] and [0062] of Kitagawa are cited as teaching optical layers, such as a diffusing plate or an anti-glare film, that can be *integrated with the polarizing plate* as is a common goal and would be known in the art. For these reasons, the Examiner concludes that it would have been obvious to one of ordinary skill in the art to employ the protecting part comprising *anti-glare* treatment **and** the protecting part comprising *anti-glare* treatment. Again, Applicants respectfully disagree.

At Paragraphs [0061] and [0062] of Kitagawa, a list of types of optical layers, including a diffusion plate, anti-glare phase and protecting plate, that can be disposed at *suitable locations to form liquid crystal displays* without any further teaching or suggestion of where these layers may be placed relative to the polarizing plate 1.

For the purpose of this response, even if polarizing plate 1 of Kitagawa discloses the upper polarizing plate comprises a glare treatment, Applicants find no teaching or suggestion in Kitagawa that would have motivated one of ordinary skill to dispose any of the listed optical layers in Paragraphs [0061] comprising an anti-glare treatment and disposed on an outer surface of the polarizing plate of Claims 1 and 9. Therefore, Kitagawa further **does not teach or suggest all elements of the invention** and further **does not contain any suggestion or incentive that would have motivated the skilled artisan to modify Kitagawa** teach the claimed invention.

Furthermore, if to be consistent with the present invention, "suitable locations" of layers are defined such that a separate and distinct protecting sheet is provided *in addition to the polarizing plate* to protect the polarizing plate from external shock and foreign matter as claimed, Applicants find no teaching or suggestion in Kitagawa of one of the described optical layers including an anti-glare treatment **and** being disposed on an outer surface of the image

display part/polarizing plate of Claims 1 and 9. Therefore, Kitagawa further **does not teach or suggest all elements of the invention** and further **does not contain any suggestion or incentive that would have motivated the skilled artisan to modify Kitagawa** to teach the claimed invention.

Finally, the Examiner alleges, that it is "well known in the art" to employ the upper polarizing plate comprises a glare treatment **and the protecting part comprises an anti-glare treatment** for achieving cost-reduction and a thin display device. Applicant respectfully traverses the Examiner's assertion.

Official Notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. (MPEP 2144.03(A.)) While "official notice" may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 C.F.R. 1.113. *Id.* It would not be appropriate to take official notice of facts without citing prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well known. *Id.*

Applicant respectfully submits that no citation to a reference, recognized in a related art, has been offered in the present office action to support the Examiner's assertion that it is "well known in the art" to employ the upper polarizing plate comprises a glare treatment **and the protecting part comprises an anti-glare treatment**. As discussed above, Kitagawa does not disclose nor provides motivation to one of ordinary skill to modify Kitagawa to include the upper polarizing plate comprises a glare treatment **and the protecting part comprises an anti-glare treatment** of Claims 1 and 9. Consequently, Examiner is respectfully requested to provide documentary evidence to support the assertion that it is "well known in the art" to employ the upper polarizing plate comprises a glare treatment **and the protecting part comprises an anti-glare treatment** as asserted.

Furthermore, since Kitagawa does not disclose nor provides motivation to one of ordinary skill to modify Kitagawa to include the upper polarizing plate comprises a glare treatment **and the protecting part comprises an anti-glare treatment** of Claims 1 and 9, Applicant respectfully submits that Examiner's assertion is not capable of *instant and unquestionable* demonstration as being well known. (MPEP 2144.03(A.)) Therefore, Applicant respectfully submits that it is not well known in the art to employ the upper polarizing plate

comprises a glare treatment **and the protecting part comprises an anti-glare treatment**. Accordingly, the relevant obvious rejections of Claims 1 and 9 cannot be maintained.

Since Kitagawa *fails to teach or suggest all of the limitations* of Claim 1 and 9 and that there lacks evidence that knowledge generally available to one of ordinary skill in art would lead that individual to modify Kitagawa teach the claimed invention, clearly, one of ordinary skill at the time of Applicants' invention would not have a *motivation to modify the reference*, nor a reasonable likelihood of success in forming the claimed invention by the Examiner's modifying the reference. Thus, here again, *prima facie* obviousness is unfounded. *Id.*

Thus, the requirements of *prime facie* obviousness are not met by the Examiner's 35 U.S.C. 103(a) rejection of Claims 1 and 9. Applicants respectfully submit that Claims 1 and 9 are not further rejected or objected and are therefore allowable. Claims 2 and 5-8 variously depend from Claim 1 are and correspondingly allowable. Reconsideration, withdrawal of the relevant §103 rejections and allowance of Claims 1, 2 and 5-9 are respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued.

If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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